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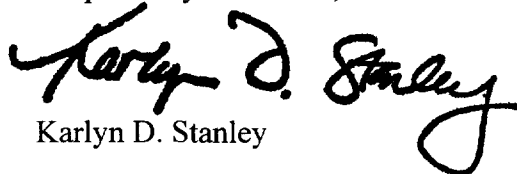
Ms. Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-A325
Washington, DC 20554

**Re: In the Matter of Provision of Directory Listing Information Under the
Telecommunications Act of 1934, As Amended -- CC Docket No. 99-273**

Dear Ms. Salas:

Enclosed please find an original and four copies of the Reply Comments of NetDQ, Inc.
in connection with the above-referenced matter.

Respectfully submitted,


Karlyn D. Stanley

Enclosure
cc: Service List

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Before the
Federal Communications Commission
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Provision of Directory Listing Information)
Under the Telecommunications Act of 1934,)
As Amended)
)
TO: The Commission)

CC Docket No. 99-273

REPLY COMMENTS OF NetDQ, INC.

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October 28, 1999

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Provision of Directory Listing Information)	
Under the Telecommunications Act of 1934,)	CC Docket No. 99-273
As Amended)	
)	
TO: The Commission)	

REPLY COMMENTS OF NetDQ, INC.

NetDQ, Inc., by its attorneys, hereby files these reply comments in the Matter of Provision of Directory Listing Information under the Telecommunications Act of 1934 as amended, CC Docket No. 99-273. NetDQ, Inc. is a new company exploring creative uses for various forms of customer information over the Internet. The outcome of this proceeding could have a substantial impact on the viability of the business plan the company is pursuing. In resolving the issues raised in this proceeding, the Commission should be mindful that there are large numbers of entrepreneurial companies that are looking at new ways and new uses for information that was traditionally within the monopoly purview of the incumbent local exchange carriers (ILECs).

The Telecommunications Act of 1996 has two main provisions that deal with subscriber information, directory assistance and directory listings. In Section 251(b) (3) under the provisions relating to dialing parity, ILECs have a duty to provide competing providers of local exchange service with directory assistance and directory listings on a nondiscriminatory basis. Under Section 222 (e), telecommunications carriers that provide telephone exchange service

shall provide subscriber list information under nondiscriminatory and reasonable rates, terms and conditions to any person upon request for the purpose of publishing directories in any format.

The distinctions between subscriber list information, directory assistance and directory listings had a historical basis in the traditional telephone industry at the time of the passage of the Act in 1996. In the three short years since that time, no one could have forecasted the explosion of the Internet and the variety and format of information over that media. Over time the 1996 Act's distinctions between the format of subscriber information will no doubt erode. The distinctions between the requirements of Section 222 (e) and Section 251 (b) (3) are not sustainable over the long run. For example, if subscriber information is published electronically over the Internet and a customer is given the option of calling an operator for additional information or a connection to a service provider, does that then become directory assistance covered by Section 251 rather than Section 222? Thus the distinction between "oral" assistance, on the one hand, and printed directories, on the other, has been eroded by advances in technology.

The Commission recognized in the Notice that there is a convergence between directory publishing under Section 222 (e) and directory assistance under Section 251(b) (3) and sought comment whether these are mutually exclusive categories. NetDQ, Inc. agrees with the comments of the Association of Directory Publishers that the goal of this proceeding should be to promote competition and not to create classes of directories that are based on distinctions between

directory assistance and directory publishing that will soon be out of date.¹ Thus the Commission must ensure that publishers can obtain subscriber listings at cost-based rates and under reasonable and nondiscriminatory terms and conditions whether access is sought for a printed, Internet or “oral” directory.

There is little disagreement among the commenters that the language in Section 222 (e) for the purpose of publishing directories “in any format” includes directories published over the Internet.² The phrase “in any format” indicates Congress’ intent not to restrict the kinds of directories that can be published using subscriber list information obtained under Section 222(e). This interpretation of Section 222 (e) advances Congress’ goals of preventing unfair carrier practices with respect to subscriber list information and of encouraging the development of competition in the directory publishing segment of the telecommunications markets.

NetDQ, Inc. supports the comments of Telegate AG and others that request the FCC to determine that non-carrier DA providers should be given access to ILEC databases.³ Agents of telecommunications carriers clearly have a right to such access. The Commission has the jurisdiction to require the LECs to provide nondiscriminatory access to non-carrier DA providers under its ancillary jurisdiction and general rulemaking powers. In addition, the Commission has authority to regulate common carrier practices, such as LECs’ provision of access to DA databases, under Sections 201 and 202. NetDQ, Inc. submits that such action by the

¹ See Association of Directory Publishers Comments at 9.

² See Bell Atlantic Comments at 1; GTE Comments at 2; Association of Directory Publishers Comments at 3; Teltrust Comments at 9; Infonxx Comments at 29; Cincinnati Bell Telephone Comments at 2; and Metro One Communications Comments at 4.

³ See Telegate AG Comments at 13-14; Infonxx Comments at 6-7; Metro One Communications at 16; Time Warner Telecom Comments at 4-5; Teltrust Comments at 4; and Excell Comments at 5.

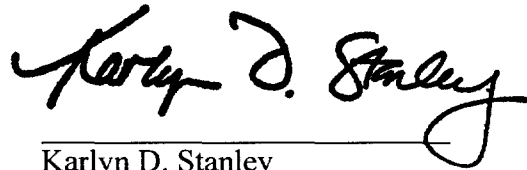
NetDQ, Inc.
October 28, 1999

Commission is completely consistent with creating a fully competitive market for the provision of directory listings and directory assistance.

Nothing suggested in these comments would involve the Commission in regulating the Internet, as stated by United States Telephone Association.⁴ By taking any of the actions requested in these comments, the Commission would be carrying out its statutory responsibilities under the Telecommunications Act of 1996. The requested actions involve refining and clarifying rules intended to implement the provisions of the Act. The ultimate purpose of these revisions is to ensure that the broadest market for competitive directory publishing, listing and directory assistance services exists in a rapidly evolving technological marketplace.

Respectfully submitted,

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October 28, 1999

⁴ United States Telephone Association Comments at 4.

CERTIFICATE OF SERVICE

I, Debra Sloan, hereby certify that on this 28th day of October, 1999, I sent a copy of the foregoing Reply Comments of NetDQ, Inc., via Hand-Delivery or by U.S. Mail to the following:

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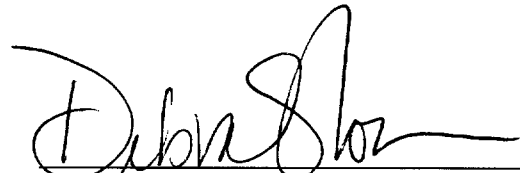
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